

## **REMARKS**

### **1. CLAIM AMENDMENTS**

Claims 1–12 were pending in the application. Claims 2–4 have been cancelled without prejudice. Claims 1, 9 and 10 have been amended to clarify the invention. Support for the amendments of claim 1 is found in originally filed claims 2–4. No new matter has been added. Upon entry of the present amendment, claims 1 and 5–12 will be pending.

#### **Claim Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 9 and 10 have been objected to under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which is regarded as the invention.

Claim 9 has been amended to correct the inadvertent typographical error in the spelling of “hydroquinone.” Applicants submit that the typographical error would have been immediately apparent to one of ordinary skill in the art. No new matter has been added with this amendment. Accordingly, Applicants respectfully request that the rejection of claim 9 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claim 10 has been amended to replace the trademark/trade name “Tinuvin” with its chemical name “2-(2H-benzotriazol-2-yl)-*p*-cresol.” Applicants have submitted herewith a copy of two pages from the Catalogue by Ciba Specialty Chemicals, Inc., Additives, 1<sup>st</sup> ed., dated October 1997, which shows that it was known to one of ordinary skill in the art at the time of the invention that this is the chemical name for Tinuvin. No new matter has been added with this amendment. Accordingly, Applicants respectfully request that the rejection of claim 10 under 35 U.S.C. § 112, second paragraph, be withdrawn.

#### **Claim Objection and Claim Rejection Under 35 U.S.C. § 103(a)**

Claims 2–4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 5 and 7–12 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over United States Patent No. 4,427,799 to Orlowski (“Orlowski”) in view of and United States Patent No. RE 32,073 to Randklev (“Randklev”).

Applicants have amended claim 1 to recite the limitations of claims 2–4 in a Markush Group, and canceled claims 2–4. Therefore, claim 1 now includes allowable subject matter and is in condition for allowance. Withdrawal of the rejection and allowance of claim

1 is respectfully requested. The remaining claims 5-12 are allowable at least by virtue of dependency. Furthermore, the objections to claims 2-4 and 6 have been either obviated or overcome.

In view of the foregoing, the claim objections, and the rejection of claims 1, 5 and 7-12 under 35 U.S.C. § 103(a) as obvious over Orlowski in view of Randklev, should be withdrawn.

## CONCLUSION

Applicants respectfully request that the foregoing amendments and remarks be made of record in the file of the above-identified application. Applicants believe that each ground for objection or rejection has been successfully overcome or obviated, and that all pending claims are in condition for allowance. Withdrawal of the objections and rejections, and allowance of the application, are respectfully requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

No fee is believed due in connection with this response. In the event that a fee is required, please charge any such fees to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,



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Ciba Specialty Chemicals

Additives

Polymer Additives

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**®TINUVIN P**  
Benzotriazole UV Absorber

<b>Characterization</b>	*TINUVIN P is an ultraviolet light absorber (UVA) of the hydroxyphenol benzotriazole class, imparting good light stability to a wide variety of polymers during its use.	
<b>Chemical Name</b>	2-(2H-benzotriazol-2-yl)-p-cresol	
<b>CAS Number</b>	2440-22-4	
<b>Structure</b>	*TINUVIN P 	
<b>Molecular weight</b>	225 g/mol	
<b>Applications</b>	*TINUVIN P provides ultraviolet protection in a wide variety of polymers including styrene homo- and copolymers, engineering plastics such as polyesters and acrylic resins, polyvinyl chloride, and other halogen containing polymers and copolymers (e.g. vinylidenes), acetals and cellulose esters. Elastomers, adhesives, polycarbonates, polyurethanes, and some cellulose esters and epoxy materials also benefit from the use of *TINUVIN P.	
<b>Features/ Benefits</b>	*TINUVIN P features a strong absorption of ultraviolet radiation in the 300-400 nm region. It also has a high degree of photostability over long periods of light exposure. The high absorbance combined with photostability and the ability to release absorbed energy in non sensitizing ways make *TINUVIN P an effective stabilizer against the effects of ultraviolet light. *TINUVIN P has Food Contact Approvals in rigid and flexible PVC applications for food, consumer care products and pharmaceuticals, preserving the package contents from the detrimental effects of light.	
<b>Product Forms</b>	Code: *TINUVIN P *TINUVIN P FF	Appearance: slightly yellow powder slightly yellow, free-flowing granules
<b>Guidelines for use</b>	The use levels of *TINUVIN P range between 0.10% and 0.50%, depending on substrate and performance requirements of the final application. *TINUVIN P can be used alone or in a variety of blends and combinations with *IRGAFOS, *IRGANOX and *CHIMASSORB stabilizers where often a synergistic performance is observed. *TINUVIN P may react with various heavy metal ions to form salts or complexes. For example, if *TINUVIN P comes into contact with iron or cobalt ions, colored complexes are formed. Reducing and oxidizing agents used in polymerization and curing processes have no effect on the stability of *TINUVIN P.	

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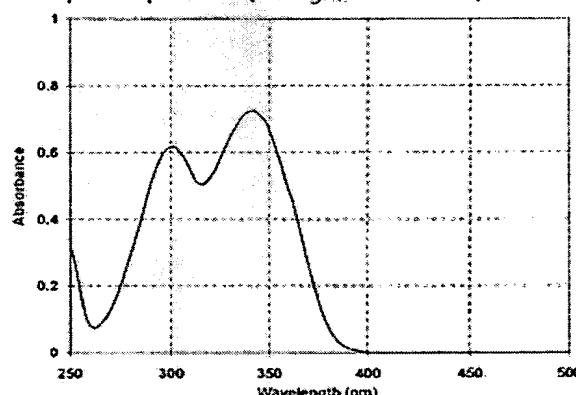
## Physical Properties

Melting Range	128-132°C
Flashpoint	205°C
Specific Gravity (20°C)	1.38 g/cm <sup>3</sup>
Vapor Pressure (20°C)	1.5 E-4 Pa
Solubility (20°C)	% w/w
Water	< 0.01
Acetone	3
Benzene	7
Chloroform	13
Cyclohexane	1
Ethyl acetate	3.5
n-Hexane	0.8
Methanol	0.2
Methylene chloride	16

Volatility (pure substance; TGA, heating rate 20°C/min in air)

Weight loss (%)	Temperature (°C)
1.0	153
2.0	170
5.0	190

## Absorption Spectrum (10 mg/l, Chloroform)



<sup>a</sup>TINUVIN P exhibits strong absorbance in the 300-400 nm region and minimal absorbance in the visible region (> 400 nm) of the spectrum. The absorption maxima are at 301 nm and 341 nm ( $\epsilon = 16150 \text{ l/mol}\cdot\text{cm}$ ) in chloroform solution.

**Handling & Safety** In accordance with good industrial practice, handle with care and avoid unnecessary personal contact. Protect skin. Prevent contamination of the environment. Avoid dust formation and ignition sources.  
For more detailed information please refer to the material safety data sheet.

## Registration

<sup>a</sup>TINUVIN P is listed on the following Inventories:

Australia: AICS	Canada: DSL	China: First Import
Europe: EINECS	Japan: MITI	Korea: ECL
Philippines: PICCS	USA: TSCA	

<sup>a</sup>TINUVIN P is approved in many countries for use in food contact applications.  
For detailed information refer to our Positive List or contact your local sales office.

**IMPORTANT:** The following supersedes Buyer's documents. SELLER MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, INCLUDING OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. No statements herein are to be construed as inducements to infringe any relevant patent. Under no circumstances shall Seller be liable for incidental, consequential or indirect damages for alleged negligence, breach of warranty, strict liability, tort or contract arising in connection with the product(s). Buyer's sole remedy and Seller's sole liability for any claims shall be Buyer's purchase price. Data and results are based on controlled or lab work and must be confirmed by Buyer by testing for its intended conditions of use. The product(s) has not been tested for, and is therefore not recommended for, uses for which prolonged contact with mucous membranes, abraded skin, or blood is intended; or for uses for which implantation within the human body is intended.